

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

Chapter 11

SORRENTO THERAPEUTICS, INC., *et al.*,¹

Case No. 23-90085 (DRJ)

Debtors.

(Jointly Administered)

OFFICIAL COMMITTEE OF EQUITY
SECURITIES HOLDERS,

Adv. Proc. No. 23-03106

Plaintiff,

v.

BANK OF AMERICA SECURITIES, INC.,
MERRILL, LYNCH, PIERCE, FENNER &
SMITH INCORPORATED, J.P. MORGAN
SECURITIES LLC, MORGAN STANLEY
& CO., LLC, PERSHING LLC, NATIONAL
FINANCIAL SERVICES LLC, STATE
STREET BANK AND TRUST COMPANY,
AND UBS SECURITIES LLC,

Defendants.

**DECLARATION OF MEL SMITH
PURSUANT TO JUNE 14, 2023 TEMPORARY RESTRAINING ORDER**

¹ The Debtor entities in these chapter 11 cases, along with the last four digits of each Debtor entity's federal tax identification number, are: Sorrento Therapeutics, Inc. (4842) and Scintilla Pharmaceuticals, Inc. (7956). The Debtors' service address is: 4955 Directors Place, San Diego, CA 92121.

Pursuant to the *Temporary Restraining Order* [Dkt. No. 7] (the “Order”)² entered in the above-captioned Adversary Proceeding, the undersigned as authorized signatory of UBS Securities LLC (“UBS”), hereby declares that:

1. UBS has conducted a reasonable investigation of its books and records for information regarding transactions in Dividended Scilex Stock and Scilex Common Stock from the issuance of Dividended Scilex Stock on January 19, 2023, to the present (the “Relevant Period”). Based on this investigation, UBS states as follows:

2. Paragraph 1(f) of the Order requires Defendants to “provide an accounting of all profits received from the naked-short selling of Dividended Scilex Stock and Scilex Common Stock, including all interest charged to short-sellers, within five (5) business days of the entry of this Order.” UBS has not engaged in or to its knowledge facilitated any naked-short sales of Dividended Scilex Stock or Scilex Common Stock during the Relevant Period. Accordingly, UBS hereby reports based on its reasonable investigation and review of its books and records that it has received no such profits on account of such activity during the Relevant Period.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my understanding.

[Remainder of page intentionally left blank]

² Capitalized words used but not otherwise defined shall have the meanings ascribed to such terms in the Order.

Executed on June 22, 2023.

By:


Printed Name: Mel Smith

Title: Executive Director Capital Markets
Financing

Address: UBS Securities LLC
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